



01-03-02

Sector IV  
\$  
PATENT

Atty. Docket No.: 18433/2022

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Gruber, et al.	Examiner:	Not Yet Assigned
Serial No.:	09/870,375	Group Art Unit:	1645
Filed:	May 30, 2001	Conf. No.:	7238
Entitled:	"Chimeric Plant Promoters and Plants Containing the Same"		

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EL932818983US on this date, December 21, 2001, postage paid, in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Kathleen M. Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice to File Missing Parts mailed June 25, 2001;
2. Copy of Notice to File Missing Parts- Part 2;
3. Petition for Four months Extension of Time;
4. Executed Declaration and Power of Attorney;
5. Computer readable form of the Sequence Listing;
6. Check in the amount of \$1,976.00 for the requisite fee; and
7. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 18433/2022.  
A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: December 21, 2001

Name: Kathleen M. Williams  
Registration No.: 34,380  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
Tel: 617-239-0100



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/870,375	05/30/2001	Veronique Gruber	18433/2022

CONFIRMATION NO. 7238

## FORMALITIES LETTER



\*OC00000006224515\*

KATHLEEN M. WILLIAMS  
PALMER & DODGE LLP  
One Beacon Street  
Boston, MA 02108

Docketed Dgreen  
Response Due Resp to NFM/P  
Statutory Period 8/25/01 (12/25/01 Final)  
Palmer & Dodge LLP  
Patent Department

Date Mailed: 06/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/08/2002 ANABI1 00000076 09870375

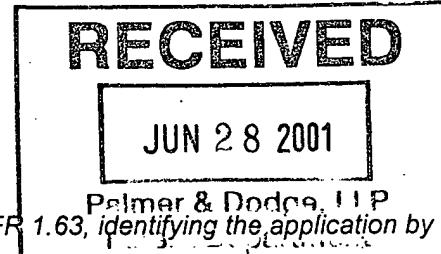
## FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:203	621.00 OP
03 FC:202	84.00 OP
04 FC:204	140.00 OP
05 FC:205	65.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$836.
  - \$621 for 69 total claims over 20.
  - \$80 for 2 independent claims over 3 .
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1256.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the



01/08/2002 ANABI1  
00000076-160085-09870375  
370.00 OP  
621.00 OP  
84.00 OP  
140.00 OP  
65.00 OP  
JUN 28 2001  
Palmer & Dodge, LLP  
FC:201 FC:203  
FC:202 FC:204  
FC:205

"Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

---

*Jenn M*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



Express Mail Label No.: EL932818983US  
Date of Deposit: December 21, 2001

Atty. Docket No.: 18433/2022 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Gruber, et al.	Examiner:	Not Yet Assigned
Serial No.:	09/870,375	Group Art Unit:	1645
Filed:	May 30, 2001	Conf. No.:	7238
Entitled:	"Chimeric Plant Promoters and Plants Containing the Same"		

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION

Sir:

This is filed in response to the Notice to File Missing Parts of Non-Provisional Application mailed June 25, 2001.

1. The Notice stated that the basic filing fee and additional claims fee is missing. A check is enclosed in the amount of \$1,976.00 which includes:

- a) \$355.00 basic filing fee for small entity;
- b) \$621.00 additional claims fee;
- c) \$80.00 for independent claims;
- d) \$135.00 for multiple dependent claim surcharge;
- e) \$65.00 surcharge for late filing fee or declaration; and
- f) \$720.00 extension of time.

2. The Notice stated that the Declaration is unsigned.

An executed Declaration/Power of Attorney is enclosed.

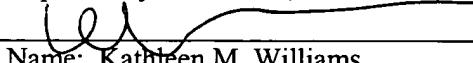
4. The Notice stated that a copy of the Sequence Listing in computer readable form had not been submitted as required by 37 C.F.R. 1.82(e).

A computer readable form of the Sequence Listing is submitted herewith.

In accordance with 37 C.F.R. §1.821 (f)(g) Applicants hereby state the computer readable form of the Sequence Listing submitted herewith in the above-identified patent application are supported in the application and contains no new matter. Applicants hereby state that the information recorded in computer readable form is identical to the written sequence listing.

Date: December 21, 2001

Respectfully submitted,

  
Name: Kathleen M. Williams  
Registration No.: 34,380  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
Tel: 617-239-0100